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In re Application of	:	DECISION ON
ZHOU et al	:	
Application No.: 10/529,661	:	
PCT No.: PCT/US03/30847	:	
Int. Filing Date: 30 September 2003	:	
Priority Date: 01 October 2002	:	PETITION UNDER
Attorney's Docket No.: MESC:008US	:	
For: USE OF CASPASE INHIBITORS AS A	:	
THERAPEUTIC AGENT AGAINST RADIATION-	:	
INDUCED INJURY	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 29 March 2005. The petition fee has been paid by check.

**BACKGROUND**

On 30 September 2003, this international application was filed, which claims an earliest priority date of 01 October 2002. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 01 April 2005. This international application became abandoned with respect to the United States at midnight on 01 April 2005 for failure to pay the required basic national fee.

On 29 March 2005, applicants filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, an insufficient national basic fee.

On 24 March 2005, the United States Patent and Trademark Office mailed a Notice of Insufficient Basic National Fee Required And/Or Missing Copy Of International Application Under 35 U.S.C. 371 And 37 CFR 1.495, which indicated that the basic national fee of \$300 is required.

On 30 March 2006, applicants filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and national basic fee.

### **DISCUSSION**

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

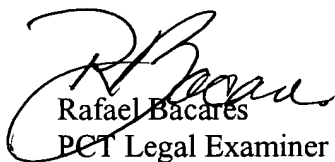
Petitioner has provided: (1) the proper reply by having submitted the basic national filing fee, (2) the petition fee set forth in § 1.17(m), and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

### **DECISION**

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.



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